

ble to obtain or exercise the privileges granted in such a certificate until that employer satisfies the issuing representative that that employer will not again give cause for annulment or withdrawal if a certificate is issued.

(Sec. 14, 52 Stat. 1068, as amended (29 U.S.C. 214); Secretary's Order No. 16-75, dated November 25, 1975 (40 FR 55913); and Employment Standards Order No. 76-2, dated February 23, 1976 (41 FR 9016).)

Signed at Washington, D.C., this 23d day of June 1978.

XAVIER M. VELA,
Administrator, Wage and Hour
Division, Department of Labor.

[FR Doc. 78-18310 Filed 6-29-78; 8:45 am]

[4510-27]

PART 530—EMPLOYMENT OF HOMEWORERS IN CERTAIN INDUSTRIES

Administrative Changes

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: This regulation is being amended to reflect changes in the section numbers of certain other regulations affecting homeworkers. This revision also provides for the elimination of references to the masculine gender.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Arthur H. Korn, Director, Division of Special Minimum Wages, Wage and Hour Division, U.S. Department of Labor, C-4316, Washington, D.C. 20210, 202-523-8727.

SUPPLEMENTARY INFORMATION: Part 530 of Title 29, Code of Federal Regulations is hereby amended to change cross references to certain other regulations which have been renumbered. Specifically, the previous reference in § 530.2 to § 525.1 has been changed to § 525.2. This section contains the definition of the term "sheltered workshop." Moreover the previous reference in § 530.12 to § 516.24 has been changed to § 516.31. The section contains the recordkeeping requirements for industrial homework. Part 530 has also been amended to replace previous references to the masculine gender with sex-neutral designations. Accordingly, amendments are being made to §§ 530.2, 530.4, 530.10, 530.12, and 530.13.

This document was prepared under the direction and control of Herbert J. Cohen, Assistant Administrator, Wage and Hour Division.

Because these changes are not substantive but merely in the nature of corrections, there is no requirement to

publish for comment or delay the effective date.

1. Section 530.2 of Part 530, Title 29, Code of Federal Regulations is amended to read as follows:

§ 530.2 Restriction of homework.

No work in the industries defined in paragraphs (d) through (j) of § 530.1 shall be done in or about a home, apartment, tenement, or room in a residential establishment unless a special homework certificate issued and in effect pursuant to this part has been obtained for each homemaker or unless the homemaker is so engaged under the supervision of a Sheltered Workshop, as defined in § 525.2 of this chapter.

2. Section 530.4 of Part 530, Title 29, Code of Federal Regulations, is amended to read as follows:

§ 530.4 Terms and conditions for the issuance of certificates.

(a) Upon application by the homemaker and the employer on forms provided by the Wage and Hour Division, certificates may be issued to the applicant employer authorizing the employment of a particular worker in industrial homework in a particular industry, provided that the application is in proper form and sets forth facts showing that the worker:

- (1) * * *
- (ii) Is unable to leave home because the worker's presence is required to care for an invalid in the home; and

3. Section 530.10 of Part 530, Title 29, Code of Federal Regulations is amended to read as follows:

§ 530.10 Delegation of authority to grant, deny, or cancel a certificate.

The Administrator may from time to time designate and appoint members of the Administrator's staff or State agencies as authorized representatives with full power and authority to grant, deny, or cancel homework certificates.

4. Section 530.12 of Part 530, Title 29, Code of Federal Regulations is amended to read as follows:

§ 530.12 Special provisions.

(b) Jewelry manufacturing industry.* * *

(1) That each employer of one or more Indian homeworkers engaged in making hand-fashioned jewelry on these Indian reservations shall submit in duplicate to the regional office of the Wage and Hour Division for the region in which the employer's place of business is located, on April 1, August 1, and December 1 of each

year, the name and address of such employee engaged during the preceding 4-month period in making hand-fashioned jewelry on Indian reservations;

(2) That each employer of one or more Indian homeworkers engaged in making hand-fashioned jewelry on these Indian reservations shall file copies of the piece rates in duplicate with the regional office of the Wage and Hour Division for the region in which the employer's place of business is located on April 1, August 1, and December 1 of each year, and

(3) That each employer of one or more Indian homeworkers engaged in making hand-fashioned jewelry on these Indian reservations shall keep, maintain, and have available for inspection by the Administrator or the Administrator's authorized representative at any time, records and reports showing with respect to each of the homeworkers engaged in making hand-fashioned jewelry on these Indian reservations, the following information:

These records shall be kept by each employer for each of the employer's homeworkers engaged in making hand-fashioned jewelry on Indian reservations, as provided in this section, in lieu of the records required under §§ 516.2 and 516.31 of this chapter: *Provided, however,* That nothing in this section shall relieve an employer from maintaining all other records required by part 516 of this chapter.

5. Section 530.13 of Part 530, Title 29, Code of Federal Regulations is amended to read as follows:

§ 530.13 Petition for amendment of regulations.

Any person wishing an amendment, addition, or revision of any of the terms of the foregoing regulations may submit in writing to the Administrator a petition setting forth the changes desired and reasons for proposing them. If upon inspection of the petition, or upon the Administrator's own motion, the Administrator believes that reasonable cause for amendment of the rules and regulations appears, the Administrator will, unless it is impractical, unnecessary, or contrary to the public interest to do so, either schedule a hearing with due notice to interested persons or make other provisions to afford interested persons opportunity to present their views in support of or in opposition to the proposed changes.

(Sec. 11, 52 Stat. 1066 (29 U.S.C. 211). Secretary's Order No. 16-75, dated November 25, 1975 (40 FR 55913), and Employment Standards Order No. 76-2, dated February 23, 1976 (41 FR 9016).)

Signed at Washington, D.C., this 23d day of June 1978.

XAVIER M. VELA,
Administrator, Wage and Hour
Division, Department of Labor.
[FR Doc. 78-18147 Filed 6-29-78; 8:45 am]

[1505-01]

**PART 575—WAIVER OF CHILD
LABOR PROVISIONS FOR AGRI-
CULTURAL EMPLOYMENT OF 10-
AND 11-YEAR-OLD MINORS IN
HAND HARVESTING OF SHORT
SEASON CROPS**

Correction

In FR Doc. 78-17239, appearing at page 26562 in the issue of Wednesday, June 21, 1978, the following changes should be made:

1. On page 26563, the seventh line of the second column should read, "period of time when the school for the district" and the 14th line of the second full paragraph of column three should read, "state. Others indicated that 4 weeks".
2. On page 26566, second column, the second line of the definition for "Secretary" should read, "Labor, United States Department of".
3. On page 26567, first column, closing quotation marks should appear after the word "of" in the fourth line of § 575.5(d).
4. On page 26568, second column, the first line of § 575.8(j) should read, "(j) A waiver shall be effective for the".

[4510-27]

**PART 870—RESTRICTION ON
GARNISHMENT**

**Updating of Regulation To Reflect
Effect of Fair Labor Standards
Amendments of 1977**

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: Restrictions on garnishment are directly related to the Fair Labor Standards Act minimum wage which the Fair Labor Standards Amendments of 1977 has increased. This document revises part 870 to reflect the new restrictions on garnishment resulting from the increased Fair Labor Standards Act minimum wage. Further, amendments to the Consumer Credit Protection Act by the Tax

Reduction and Simplification Act of 1977 resulted in the laws of Virginia and Kentucky no longer being similar to the Federal law, as amended. Virginia has amended its law to conform to the CCPA, Kentucky has not. Accordingly, Kentucky's exemption has been revoked.

DATE: This document is effective on June 30, 1978.

**FOR FURTHER INFORMATION
CONTACT:**

Paul G. Campbell, Director, Division of Minimum Wage and Hour Standards, Office of Fair Labor Standards, Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, telephone 202-523-7043.

SUPPLEMENTARY INFORMATION: Section 303(a)(2) of the Consumer Credit Protection Act, 15 U.S.C. 1673, protects from garnishment any sum less than 30 times the FLSA section 6(a)(1) minimum hourly wage. With the increase in the minimum wage to \$2.65 per hour on January 1, 1978, this amount was increased to \$79.50 per week. With the annual increases this amount will be increased accordingly. This will also result in changes when an employee is paid bi-weekly, semi-monthly and monthly.

This document amends § 870.10 to reflect these changes. The CCPA was amended by Pub. L. 95-30, the Tax Reduction and Simplification Act of 1977, effective June 1, 1977, providing limitations on amounts subject to garnishment for the support of any person. The laws of the State of Kentucky are not similar to the CCPA as amended.

Section 870.57 is therefore amended by deleting the exemption for the State of Kentucky from the provisions of sections 303(a) and 303(b) of the CCPA since the garnishment laws of Kentucky no longer provide restrictions on the amount of wages that may be garnished for the support of any person substantially equal to the restrictions provided by section 303(b)(2) of the CCPA.

As these amendments merely reflect the changes in the law, publication of a proposal with opportunity for comment is not required, as it would serve no useful purpose. The change in the regulation is made effective immediately as it is drafted in such a manner that the increased figures in the regulation resulting from the FLSA section 6(a)(1) minimum wage increases go into effect when the FLSA minimum wage increases from year to year.

This document was prepared under the direction and control of Herbert J.

Cohen, Assistant Administrator, Office of Fair Labor Standards, Wage and Hour Division, U.S. Department of Labor.

Accordingly, 29 CFR Part 870 is amended as follows:

1. Section 870.10 is revised by amending paragraphs (b), (c), and (d) as follows:

§ 870.10 Maximum part of aggregate disposable earnings subject to garnishment.

(b) * * *

(1) If an individual's disposable earnings for a workweek or lesser period are \$79.50 (30×\$2.65) or less, his/her earnings may not be garnished in any amount. The amount which may not be garnished is 30 times the Fair Labor Standards Act minimum wage. When the minimum wage increases, this amount will also increase. On January 1, 1979, the minimum wage increases to \$2.90, on January 1, 1980, it increases to \$3.10; and on January 1, 1981, it increases to \$3.35. Accordingly, the amount of disposable weekly earnings which may not be garnished will increase to \$87 on January 1, 1979; to \$93 on January 1, 1980; and to \$100.50 on January 1, 1981.

(2) If an individual's disposable earnings for a workweek or lesser period are more than \$79.50, but less than \$106, only the amount above \$79.50 is subject to garnishment. As the \$106 figure is in fact 40 times the Fair Labor Standards Act minimum wage of \$2.65, this figure will increase to \$116 on January 1, 1979; to \$124 on January 1, 1980; and to \$134 on January 1, 1981.

(3) If an individual's disposable earnings for a workweek or lesser period are \$106 or more, 25 percent of his/her disposable earnings is subject to garnishment. As pointed out in subparagraph (2), of this paragraph, the \$106 figure is increased to \$116 on January 1, 1979; to \$124 on January 1, 1980; and to \$134 on January 1, 1981.

(c) Pay for a period longer than 1 week. In the case of disposable earnings which compensate for personal services rendered in a pay period longer than 1 workweek, the weekly statutory exemption formula must be transformed to a formula applicable to such earnings providing equivalent restrictions on wage garnishment.

* * *

(3) Disposable earnings for individuals paid weekly, biweekly, semi-monthly, and monthly may not be garnished unless they are in excess of the following amounts:

Date	Minimum rate	Weekly amount	Biweekly amount	Semi-monthly amount	Monthly amount
Jan. 1, 1978.....	\$2.65	\$79.50	\$159.00	\$172.25	\$344.50
Jan. 1, 1979.....	2.90	87.00	174.00	188.50	377.00
Jan. 1, 1980.....	3.10	93.00	186.00	201.50	403.00
Jan. 1, 1981.....	3.35	100.50	201.00	217.75	435.50

(4) If the disposable earnings are less than the following figures, only the difference between the appropriate figures set forth in paragraph (c)(3) of this section and the appropriate figure of the following figures may be garnished.

Date	Minimum rate	Weekly amount	Biweekly amount	Semi-monthly amount	Monthly amount
Jan. 1, 1978.....	\$2.65	\$106.00	\$212.00	\$229.67	\$459.32
Jan. 1, 1979.....	2.90	116.00	232.00	251.33	502.67
Jan. 1, 1980.....	3.10	124.00	248.00	268.67	537.33
Jan. 1, 1981.....	3.35	134.00	268.00	290.33	580.67

For example, in January of 1978, if an individual's disposable earnings for a biweekly pay period are \$205, the difference between \$159 and \$205 (i.e., \$46) may be garnished.

(5) If disposable earnings are in excess of the figures stated in paragraph (c)(4) of this section, 25% of the disposable earnings may be garnished.

(d) *Date wages paid or payable controlling.* The date that disposable earnings are paid or payable, and not the date the Court issues the garnishment order, is controlling in determining the amount of disposable earnings that may be garnished. Thus, a garnishment order issued in November 1977, providing for withholding from wages over a period of time, based on exemptions computed at the \$2.30 per hour minimum wage then in effect, would be modified by operation of the change in the law so that wages paid after January 1, 1978, would be subject to garnishment during 1978 only to the extent described in paragraphs (b) and (c) of this section on the basis of a minimum rate of \$2.65 per hour. This principle is applicable at the time of each further increase in the minimum wage, i.e., January 1, of the years 1979, 1980, and 1981.

2. Section 870.57 is revised by deleting present paragraph (a) and relettering paragraph (b) as paragraph (a) to read as follows:

§ 870.57 Exemptions.

(a) *State of Virginia.* Effective June 30, 1978, garnishments issued under the laws of the State of Virginia are exempt from the provisions of sections 303(a) and 303(b) of the CCPA under the following additional conditions: (1) Whenever garnishments are ordered in the State of Virginia which are not deemed to be governed by section 34-29 of the Code of Virginia, as amended, and the laws of another State are applied, sections 303(a) and 303(b) of the CCPA shall apply to such garnishments according to the provisions

thereof; and (2) whenever the earnings of any individual subject to garnishment are withheld and a suspending or supersedeas bond is undertaken in the course of an appeal from a lower court decision, sections 303(a) and 303(b) of the CCPA shall apply to the withholding of such earnings under this procedure according to the provisions thereof.

Signed at Washington, D.C., on this 23d day of June, 1978.

XAVIER M. VELA,
Administrator.

[FR Doc. 78-18148 Filed 6-29-78; 8:45 am]

[4510-26]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Occupational Exposure to Inorganic Arsenic; Corrections

AGENCY: The Occupational Safety and Health Administration, Department of Labor.

ACTION: Final rule; corrections

SUMMARY: This notice announces corrections to the permanent inorganic arsenic standard which appeared in the FEDERAL REGISTER on May 5, 1978 (43 FR 19584).

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Gail Brinkerhoff, Office of Compliance Programs, OSHA, Third Street and Constitution Avenue NW., Room N-3112, Washington, D.C. 20210, telephone 202-523-8034.

SUPPLEMENTAL INFORMATION: On May 5, 1978, an occupational

safety and health standard for exposure to inorganic arsenic, with an accompanying explanation, was published in the FEDERAL REGISTER (43 FR 19584, FR Doc. 78-12170) as 29 CFR 1910.1018. There were a number of minor typographical errors and inadvertent omissions in the May 5, 1978 document. This document corrects only those errors and omissions which were in the Inorganic Arsenic Standard and appendices section of the May 5, 1978 document.

Accordingly, FR Doc. 78-12170 is corrected as follows:

§ 1910.1018 [Corrected]

1. On page 19626 the heading for Table II is corrected to read "Table II—Respiratory protection for inorganic arsenicals (such as arsenic trichloride² and arsenic phosphide) with significant vapor pressure".

2. On page 19626, third column, the first line is corrected to read "perform a quantitative face fit test at".

3. On page 19626, third column, § 1910.1018(h)(5)(i), line 9, "no" is corrected to "not".

4. On page 19626, third column, § 1910.1018(h)(5)(iii), the second line is corrected to read "employee required to wear air-purifying respirators".

5. On page 19626, third column, before § 1910.1018(j), the following line is inserted, "(i) [Reserved.]".

6. On page 19626, third column, § 1910.1018(j)(1), second line of text, the word "form" is corrected to "from".

7. On page 19627, § 1910.1018(j)(1)(iii) first column, the second line is corrected to read "ments of § 1910.133(a)(2)-(a)(6); and".

8. On page 19627, first column, § 1910.1018(j)(2), seventh line, the word "exposure" is corrected to "exposures".

9. On page 19627, first column, § 1910.1018(j)(2)(vii), ninth line, the colon is corrected to a period.

10. On page 19627, first column, § 1910.1018(j)(2)(vii), the twelfth line is corrected to read "local, state or Federal regulations."

11. On page 19628, first column, § 1910.1018(n)(5)(i), the second line is corrected to read "appendices".

12. On page 19628, second column, § 1910.1018(o)(1)(ii)(A), the second line is corrected to read "Appendix A."

13. On page 19628, second column, § 1910.1018(o)(2)(i), fourth and fifth lines, the word "appendixes" is changed to read "appendices".

14. On page 19628, third column, § 1910.1018(q), the fourth line is corrected to read "record of all monitoring required by".

15. On page 19628, third column, § 1910.1018(q)(1)(ii)(E), third line, the word "employees" is corrected to read "employee's".

16. On page 19629, first column, § 1910.1018(q)(3)(i), the fourth line is

corrected to read "paragraph (q) of this section to the".

17. On page 19629, second column, § 1910.1018(t), first line, the word "Appendixes" is corrected to read "Appendices".

18. On page 19629, second column, § 1910.1018(u)(4), the third line is corrected to read "(g)(2) as a result of initial monitoring".

19. On page 19629, third column, § 1910.1018(u)(6), fifteenth line, after the sentence "Completion of compliance plan." the words "Optional use of powered air-purifying respirators." are inserted.

20. On page 19631, first column, appendix C, paragraph II. B., seventh line, the word "construction" is corrected to "constriction".

(Secs. 4, 6, 8, 84 Stat. 1592, 1593, 1599 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order 8-76 (41 FR 25059); 29 CFR Part 1911.)

Signed at Washington, D.C., this 27th day of June 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-18323 Filed 6-29-78; 8:45 am]

[4510-26]

Correction

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final rule; corrections.

SUMMARY: Due to inadvertence, the section heading and some of the paragraphs in 29 CFR 1910.19 have not been recorded properly in the Code of Federal Regulations. This document corrects these errors. As these corrections involve no substantive changes in the provisions of the standards, there is no need for notice or public procedures under section 6 of the Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) or under 5 U.S.C. 553. Accordingly, 29 CFR 1910.19 is corrected as set forth below.

EFFECTIVE DATE: June 30, 1978.

In 29 CFR Part 1910, § 1910.19 is amended by adding a new section heading, by designating the existing material as paragraph (a), by adding paragraph (b), and by adding paragraph headings to paragraphs (d), (e), and (f). As amended, the complete text of § 1910.19 reads as follows:

§ 1910.19 Special provisions for air contaminants.

(a) *Asbestos dust.* Section 1910.1001 shall apply to the exposure of every employee to asbestos dust in every employment and place of employment covered by §§ 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16, in lieu of any different standard on exposure to asbestos dust which would otherwise be applicable by virtue of any of those sections.

(b) *Vinyl chloride.* Section 1910.1017 shall apply to the exposure of every employee to vinyl chloride in every employment and place of employment covered by §§ 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16, in lieu of any different standard on exposure to vinyl chloride which would otherwise be applicable by virtue of any of those sections.

(c) *Acrylonitrile.* Section 1910.1045 shall apply to the exposure of every employee to acrylonitrile in every employment and place of employment covered by §§ 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16, in lieu of any different standard on exposure to acrylonitrile which would otherwise be applicable by virtue of any of those sections.

(d) *Benzene.* Section 1910.1028 shall apply to the exposure of every employee to benzene in every employment and place of employment covered by §§ 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16, in lieu of any different standard on exposure to benzene which would otherwise be applicable by virtue of any of those sections.

(e) *Inorganic arsenic.* Section 1910.1018 shall apply to the exposure of every employee to inorganic arsenic in every employment covered by §§ 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16, in lieu of any different standard on exposure to inorganic arsenic which would otherwise be applicable by virtue of any of those sections.

(f) *Cotton dust.* Section 1910.1043 shall apply to the exposure of every employee to cotton dust in every employment covered by § 1910.12, in lieu of any different standard on exposure to cotton dust which would otherwise be applicable by virtue of that section.

(Secs. 6, 8, 84 Stat. 1593, 1599; 29 U.S.C. 655, 657; Secretary of Labor's Order No. 8-76 (41 FR 25059); 29 CFR Part 1911.)

Signed at Washington, D.C., this 27th day of June 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-18356 Filed 6-29-78; 8:45 am]

[1505-01]

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Occupational Exposure to Cotton Dust

Correction

FR Doc. 78-17232 appearing at page 27350 in the FEDERAL REGISTER of Friday, June 23, 1978 at 43 FR 27350 contains a typographical error in the file line.

On page 27418, third column, the file line which is 25 lines from the top of the page should read:

"FR Doc. 78-17232 Filed 6-19-78; 11:53 am"

[4510-26]

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Occupational Exposure to Cotton Dust; Corrections

AGENCY: The Occupational Safety and Health Administration, Department of Labor.

ACTION: Final rule; corrections.

SUMMARY: This notice announces corrections to the permanent cotton dust standard which appeared in the FEDERAL REGISTER on June 23, 1978 (43 FR 27350).

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Gail Brinkerhoff, Office of Compliance Programs, OSHA, Third Street and Constitution Avenue NW., room N-3112, Washington, D.C. 20210, telephone 202-523-8034.

SUPPLEMENTARY INFORMATION: On June 23, 1978, an occupational safety and health standard for exposure to cotton dust, with an accompanying explanation, was published in the FEDERAL REGISTER (43 FR 27350, FR Doc. 78-17232) as 29 CFR 1910.1043. There were a number of minor typographical errors and inadvertent omissions in the June 23, 1978 document. This document corrects only those errors and omissions which were in the Cotton Dust Standard and Appendices portion, at 43 FR pages 27394 through 27418 of the June 23, 1978 document.